

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
November 9, 2009

ROLL CALL

Robert Marshall, R.P. Chairperson, called the meeting of the Board of Pharmacy to order at 8:15 a.m. in Arbor Room of Holiday Inn Downtown, located at 141 North P Street, Lincoln, NE. Copies of the agenda were sent to Board members and other interested parties prior to the meeting. The following Board members answered roll call:

Robert Marshall, R.P., Chair
Richard Zarek, R.P., Vice-Chair
Roger Kaczmarek, R.P., Secretary
Thomas Walsh
Kevin Borchert, R.P.

A quorum was present and the meeting convened.

Also present from the Department were: Becky Wisell, Office Administrator; Vonda Apking, Health Licensing Coordinator; and Nicole Carnes-Woutzke, Health Licensing Specialist, from the Office of Medical and Specialized Health; Tony Kopf, R.P., Mike Swanda, R.P., and Mike Rueb, R.P., Pharmacy Inspectors; and Jeff Newman, Investigator, from the Investigations Division; Lisa Anderson, Assistant Attorney General.

REVIEW OF AGENDA

Adoption of Agenda

Zarek moved, seconded by Kaczmarek, to approve the agenda as presented with the Chair having the authority to rearrange as needed. Voting aye: Borchert, Kaczmarek, Marshall, Walsh, and Zarek. Voting nay: None. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

- Eric Mjeldheim – Pharmacy Technician application
- Sheena Westerfield – Pharmacy Technician reinstatement application
- Lisa Vaughn – Pharmacy Technician reinstatement application
- Portland Professional Pharmacy – Mail Service Pharmacy application
- HyVee 1 Pharmacy – Pharmaceutical Care Agreement
- HyVee Fort Street – Pharmaceutical Care Agreement
- HyVee N 156th St – Pharmaceutical Care Agreement
- U-Save GI – Pharmaceutical Care Agreement
- Walgreens – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Borchert moved, seconded by Walsh, to approve the consent agenda as amended. Voting aye: Borchert, Kaczmarek, Marshall, Walsh, and Zarek. Voting nay: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS, CONVICTION CRITERIA FOR APPLICATIONS REVIEW AND APPLICATION REVIEW – CLOSED SESSION

Zarek moved, seconded by Kaczmarek, to close the session at 8:22 a.m. to review investigational reports, disciplinary reports, and controlled substances audit reports, conviction criteria for application review and to review applications. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Kaczmarek moved, seconded by Zarek, to return to open session at 10:04 a.m. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

APPROVAL OF MINUTES

September 23, 2009

Page 1: Add language identifying that Mike Swanda joined the meeting.

Page 2: No changes.

Page 3: Under District V Meeting Report, change the “that” to “the”; under Prescription Drug Take-Back Programs and Drug Destruction Education, 2nd sentence, add “s” to the word meeting.

Page 4: Under Budget Status Report, 1st sentence, after the word requested add the words “that DHHS Accounting” and change the word “to” to “the”; under Pharmacist Intern Application(s) with Convictions/Disciplinary Action/Other (10), 2nd paragraph, change the word “table” to “postpone”.

Page 5: Under Pharmacy Technician Application(s) with Convictions/Disciplinary Action/Other (6), change the word “table” to “postpone”; under Pharmacy Technician Reinstatement Application(s) with Convictions/Disciplinary Action/Other (1), change the word “table” to “postpone”; under Mail Service Pharmacy Application(s) – (2) Initial, 1st paragraph, change the word “table” to “postpone”, 2nd paragraph, change the word “table” to “postpone”.

Kaczmarek moved, seconded by Zarek, to approve the September 23, 2009, minutes as corrected. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

APPLICATION REVIEW

Pharmacy Technician Application(s) with Convictions/Disciplinary Action/Other (2)

Borchert moved, seconded by Kaczmarek, to postpone action on the pharmacy technician registration application of Eric Mjeldheim for additional information. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Pharmacy Technician Reinstatement Application(s) with Convictions/Disciplinary Action/Other (2)

Zarek moved, seconded by Kaczmarek, to approve the pharmacy technician registration reinstatement application of Sheena Westerfield. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Zarek moved, seconded by Kaczmarek, to approve the pharmacy technician registration reinstatement application of Lisa Vaughn. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Mail Service Pharmacy Renewal Application(s) – (5)

Kaczmarek moved, seconded by Borchert, to postpone the mail service pharmacy renewal application of Portland Professional Pharmacy for additional information. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Pharmaceutical Care Agreement(s) (19) - CONSENT

Borchert requested that the pharmaceutical care agreements for the Hy-Vee pharmacies and the U-Save pharmacy add identifiers (i.e. months, days, years of age, etc.) when numbers are mentioned throughout their agreements. Borchert also requested that the Walgreens pharmaceutical care agreement contains the signatures of all pharmacists that will be administering under this agreement.

Pharmacy Technician Manual(s) (1) - CONSENT

CIMRO OF NEBRASKA PRESENTATION – PRESCRIPTION DRUG PROJECT

Gregg Schicke, CIMRO of Nebraska, presented to the Board their venture with Medicaid/Medicare on Safe Prescribing Practices. CIMRO is tracking information on drug to drug interactions and potentially inappropriate medication rates through Nebraska Medicare Part D participants. Mr. Schicke mentioned several components of the program such as identifying areas for improvement, comparing rural vs. urban, retail vs. mail order, and same prescriber information. Continuing education will be available free of cost to the first 200 pharmacists. CIMRO will work with the Nebraska Pharmacists Association (NPA) to notify Nebraska pharmacists.

PRACTICE QUESTION – DENTIST PRESCRIBING DIFLUCAN AND PHENERGAN

The Board reviewed the answers provided by the Board of Dentistry. Marshall read the practice questions and the Board of Dentistry's response.

- ***Can a dentist prescribe Diflucan to prevent a yeast infection caused by an antibiotic prescribed to a patient that has a history of yeast infections caused by antibiotics?***

Dental Board Response: Prescribing Diflucan for treatment of a yeast infection within the oral cavity is within the scope of practice of dentistry. Treatment of yeast infections outside the oral cavity should be referred to the patient's physician. If Diflucan is prescribed by the dentist to prevent an oral yeast infection caused by an antibiotic there must be documentation that the patient has a history of oral yeast infection resulting from antibiotic therapy.

- ***Can a dentist prescribe Phenergan for nausea associated with the narcotic prescribed to a patient?***

Dental Board Response: Phenergan is an acceptable treatment modality in the practice of dentistry.

Zarek moved, seconded by Kaczmarek, that the Board of Pharmacy agrees with the Board of Dentistry's response. Voting aye: Borchers, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried. Staff will make the Board of Dentistry's response available upon request. **Action Item:** Staff will make the Board of Dentistry's response available upon request.

2010 LEGISLATION

The Board discussed pharmacy security issues regarding pharmacy technicians handling prescriptions when the pharmacist is at lunch or not in the building. Joni Cover, NPA, agreed that the NPA could write legislation but not until after the next legislative session. Marshall suggested adding discussion on this topic to the Board's agenda for the next meeting and for the goals retreat. Ms. Cover asked whether this issue could be addressed through a regulations change instead of a legislative change. The Board requested that Roger Brink, Department Legal, attend the next Board meeting. The Board questioned whether their funds were in danger to balance the Governor's budget. Wisell mentioned that the Department has reduced the surplus significantly and so far the funds are not being targeted. Ms. Cover mentioned several bills that the NPA is introducing during the next legislative session.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES

Borchers mentioned that the National Association of Boards of Pharmacy (NABP) is developing a taskforce to address pharmacy technician education and certification. Marshall mentioned that there is movement towards national certification of pharmacy technicians.

COMMITTEE REPORTS

MPJE Committee

Borchers, Kopf, and Rueb reviewed current questions and revised as needed. Item writing was handled remotely.

Formulary Advisory Committee

The committee did not meet.

GOALS UPDATE

Wisell explained that the Department did not receive the planning grant. The Board suggested applying for the implementation grant. Wisell explained that the Department has not discussed applying for another grant. The board requested a copy of the rejection letter for the planning grant. **Action Item:** Wisell will provide the Board a copy of the rejection letter.

Wisell explained that it was her understanding that states needed to get the planning grant prior to applying for the implementation grant.

ACTION ITEMS

Marcia Mueting, from the NPA, explained that there will be meetings with statewide partners on prescription drug take-back programs and drug destruction education. Information will be sent to all pharmacies, and magnets are available on drug destruction information. Wisell explained that the second Patient Safety contract is in the process but it may not be signed in this fiscal year. Ron Hospodka, RP, Creighton University, provided some discussion topics for the Board's Goals Retreat meeting.

NEWSLETTER

Marshall will work on newsletter articles and staff will coordinate the newsletter for January 2010.

FINANCIAL REPORT

Wisell explained the budget status report.

RESCHEDULE SEPTEMBER 2010 MEETING DATE

Apking explained that there is a conflict with the suggested hotel for the September 2010 meeting. The Board members provided several other hotel suggestions for the Omaha area. Staff will continue to contact hotels for meeting space for the September 13, 2010, date. The Board suggested having the Goals Retreat on January 4, 2010, after the regularly scheduled meeting.

Mr. Hospodka thanked the Board and the Department staff for all the work they do processing pharmacist and pharmacist intern licensure.

Zarek moved, seconded by Walsh, announcing the Board's appreciation and thanks to Roger Kaczmarek for his 6 years and 7 months of service to the citizens of the State of Nebraska as a Board of Pharmacy member. Voting aye: Borchers, Marshall, Walsh and Zarek. Voting nay: None. Abstained: Kaczmarek. Motion carried.

ADJOURNMENT

Zarek moved, seconded by Borchert, to adjourn the meeting at 12:24 p.m. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Roger Kaczmarek, RP, Secretary
Board of Pharmacy